

1 Karma M. Julianelli (SBN 184175)  
2 karma.giulianelli@bartlitbeck.com  
**BARTLIT BECK LLP**  
3 1801 Wewetta St., Suite 1200  
Denver, Colorado 80202  
4 Telephone: (303) 592-3100

5 Hae Sung Nam (*pro hac vice*)  
6 hnam@kaplanfox.com  
**KAPLAN FOX & KILSHEIMER LLP**  
7 850 Third Avenue  
New York, NY 10022  
Tel.: (212) 687-1980

8 *Co-Lead Counsel for the Proposed Class in In re*  
9 *Google Play Consumer Antitrust Litigation*

10 Steve W. Berman (*pro hac vice*)  
11 steve@hbsslaw.com  
**HAGENS BERMAN SOBOL SHAPIRO LLP**  
12 1301 Second Ave., Suite 2000  
Seattle, WA 98101  
13 Telephone: (206) 623-7292

14 Eamon P. Kelly (*pro hac vice*)  
15 ekelly@sperling-law.com  
SPERLING & SLATER P.C.  
55 W. Monroe, Suite 3200  
16 Chicago, IL 60603  
Telephone: 312-641-3200

17 *Co-Lead Counsel for the Proposed Class in In re*  
18 *Google Play Developer Antitrust Litigation and*  
19 *Attorneys for Pure Sweat Basketball, Inc.*

20 Bonny E. Sweeney (SBN 176174)  
21 bsweeney@hausfeld.com  
**HAUSFELD LLP**  
22 600 Montgomery Street, Suite 3200  
San Francisco, CA 94104  
23 Telephone: (415) 633-1908

24 *Co-Lead Counsel for the Proposed Class in In re*  
25 *Google Play Developer Antitrust Litigation and*  
Attorneys for Peekya App Services, Inc.

26 [Additional counsel appear on signature page]

27 Paul J. Riehle (SBN 115199)  
28 paul.riehle@faegredrinker.com  
**FAEGRE DRINKER BIDDLE & REATH**  
LLP  
Four Embarcadero Center, 27th Floor  
San Francisco, CA 94111  
Telephone: (415) 591-7500

Christine A. Varney (*pro hac vice*)  
cvarney@cravath.com  
**CRAVATH, SWAINE & MOORE LLP**  
825 Eighth Avenue  
New York, New York 10019  
Telephone: (212) 474-1000

*Counsel for Plaintiff Epic Games, Inc. in Epic*  
*Games, Inc. v. Google LLC et al.*

David N. Sonnenreich (*pro hac vice*)  
dsonnenreich@agutah.gov  
**OFFICE OF THE UTAH ATTORNEY**  
**GENERAL**  
160 E 300 S, 5th Floor  
PO Box 140872  
Salt Lake City, UT 84114-0872  
Telephone: 801-366-0260

*Counsel for Utah*

Brian C. Rocca (SBN 221576)  
brian.rocca@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Telephone: (415) 442-1000

Daniel M. Petrocelli, Bar No. 97802  
dpetrocelli@omm.com  
**O'MELVENY & MYERS LLP**  
1999 Avenue of the Stars, 7th Fl.  
Los Angeles, CA 90067-6035  
Telephone: (310) 553-6700

*Counsel for Defendants Google LLC et al.*

1 **UNITED STATES DISTRICT COURT**

2 **NORTHERN DISTRICT OF CALIFORNIA**

3 **SAN FRANCISCO DIVISION**

4

5 **IN RE GOOGLE PLAY STORE**  
6 **ANTITRUST LITIGATION**

7 THIS DOCUMENT RELATES TO:

8 *Epic Games Inc. v. Google LLC et al.*, Case  
9 No. 3:20-cv-05671-JD

10 *In re Google Play Consumer Antitrust*  
11 *Litigation*, Case No. 3:20-cv-05761-JD

12 *In re Google Play Developer Antitrust*  
13 *Litigation*, Case No. 3:20-cv-05792-JD

14 *State of Utah et al. v. Google LLC et al.*, Case  
15 No. 3:21-cv-05227-JD

16 Case No. 3:21-md-02981-JD

17 **JOINT STATEMENT RE: CASE  
18 SCHEDULE AND JOINT REQUEST  
19 FOR EXTENSION OF TIME**

20 Judge: Hon. James Donato

1 Pursuant to this Court’s Order dated July 22, 2021 (*In re Google Play Store Antitrust*  
 2 *Litigation*, No. 3:21-md-02981-JD (N.D. Cal. 2021) (“MDL”) ECF No. 67), the parties in the  
 3 above-captioned MDL action (“the Parties”), by and through their undersigned counsel, submit  
 4 this Joint Statement in order to update the Court on their ongoing discussions regarding the  
 5 Parties’ proposed case schedule, and respectfully to seek a 14-day extension of time to complete  
 6 those discussions and to submit a further Joint Statement on scheduling issues. A Proposed  
 7 Order Granting Extension of Time is included with this submission. The Parties also address  
 8 below the timing of Google’s forthcoming coordinated motions to dismiss, and also a regular  
 9 monthly status conference in these cases, as the Court requested.

10 **I. JOINT STATEMENT ON PROPOSED SCHEDULE**

11 The Parties have exchanged proposals and met and conferred regarding a revised  
 12 proposed schedule for these cases, but have so far been unable to reach agreement regarding a  
 13 pre-trial schedule and proposed trial plan. While the Parties are currently not far apart on the  
 14 proposed date for a trial, there are differences between the interim dates proposed by each side,  
 15 which the Parties would like additional time to discuss further. In addition, the State of Utah and  
 16 its co-plaintiff States, Commonwealths, and Districts (collectively the “States”) have had only  
 17 limited opportunities to discuss the issues in the case with the other Parties, in part because  
 18 modifications to the existing Protective Order to address state law issues (e.g., freedom of  
 19 information laws) need to be negotiated by the Parties and approved by the Court before  
 20 confidential documents can be produced to the States. The States believe that an extension of  
 21 time for the Parties’ submission of scheduling proposal(s) will allow them sufficient time to  
 22 submit a proposed modification to the Protective Order to the Court and better evaluate the  
 23 States’ ability to meet the scheduling deadlines the Parties ultimately propose. For these reasons,  
 24 the Parties respectfully request a two-week extension, to August 27, 2021, to submit a Joint  
 25 Statement with a complete proposed revised schedule. The Parties understand that the Court  
 26 intends to have a firm case schedule in place by September 2021, and are working diligently to  
 27 submit a proposal that will be acceptable to the Court.

1       The Parties have reached agreement, however, with respect to a schedule for coordinated  
 2 briefing on Google's motions to dismiss all actions in the MDL. The States have advised Google  
 3 that they intend to amend their complaint.<sup>1</sup> Thus, the Parties propose the following briefing  
 4 schedule:

<b>Proposed Motion to Dismiss Schedule</b>	
<b>Event</b>	<b>Date</b>
Motion to Dismiss	September 8, 2021
Opposition	October 15, 2021
Reply	November 2, 2021
Hearing	As soon as possible after November 5, 2021

12       In advance of the submission of any briefing, the Parties will submit a proposal relating  
 13 to page limits.

## 14       **II. JOINT STATEMENT ON CASE MANAGEMENT CONFERENCES**

15       At the Status Conference held on July 23, 2021, the Court asked the Parties to designate a  
 16 regular Thursday for monthly status conferences. The Parties are available for a standing status  
 17 conference on the third Thursday of each month, starting in October. The Parties request that the  
 18 next status conference be scheduled on the fourth Thursday (September 23, 2021), in order to  
 19 accommodate the Jewish holiday on September 16, 2021.

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 27  
 28       <sup>1</sup> The States have agreed to share with Google a copy of the proposed amendment by August 27.

1 Respectfully submitted,

2 Dated: August 13, 2021

CRAVATH, SWAINE & MOORE LLP

Christine Varney (*pro hac vice*)

Katherine B. Forrest (*pro hac vice*)

Darin P. McAtee (*pro hac vice*)

Gary A. Bornstein (*pro hac vice*)

Timothy G. Cameron (*pro hac vice*)

Yonatan Even (*pro hac vice*)

Lauren A. Moskowitz (*pro hac vice*)

Omid H. Nasab (*pro hac vice*)

Justin C. Clarke (*pro hac vice*)

M. Brent Byars (*pro hac vice*)

FAEGRE DRINKER BIDDLE & REATH LLP

Paul J. Riehle (SBN 115199)

11 Respectfully submitted,

12 By: /s/ Lauren A. Moskowitz  
13 Lauren A. Moskowitz

14 *Counsel for Plaintiff Epic Games, Inc.*

16 Dated: August 13, 2021

BARTLIT BECK LLP

Karma M. Julianelli

KAPLAN FOX & KILSHEIMER LLP

Hae Sung Nam

20 Respectfully submitted,

21 By: /s/ Karma M. Julianelli  
22 Karma M. Julianelli

23 *Co-Lead Counsel for the Proposed Class in*  
24 *In re Google Play Consumer Antitrust*  
*Litigation*

1 Dated: August 13, 2021

PRITZKER LEVINE LLP  
Elizabeth C. Pritzker

2 Respectfully submitted,

3 By: /s/ Elizabeth C. Pritzker  
4 Elizabeth C. Pritzker

5 *Liaison Counsel for the Proposed Class in*  
6 *In re Google Play Consumer Antitrust*  
7 *Litigation*

8 Dated: August 13, 2021

9 HAGENS BERMAN SOBOL SHAPIRO LLP  
10 Steve W. Berman  
11 Robert F. Lopez  
12 Benjamin J. Siegel

13 SPERLING & SLATER PC  
14 Joseph M. Vanek  
15 Eamon P. Kelly  
16 Alberto Rodriguez

17 Respectfully submitted,

18 By: /s/ Steve W. Berman  
19 Steve W. Berman

20 *Co-Lead Interim Class Counsel for the*  
21 *Developer Class and Attorneys for Plaintiff*  
22 *Pure Sweat Basketball*

1 Dated: August 13, 2021

HAUSFELD LLP  
2 Bonny E. Sweeney  
3 Melinda R. Coolidge  
4 Katie R. Beran  
5 Scott A. Martin  
6 Irving Scher

7 Respectfully submitted,

8 By: /s/ Bonny E. Sweeney  
9 Bonny E. Sweeney

10 *Co-Lead Interim Class Counsel for the  
11 Developer Class and Attorneys for Plaintiff  
12 Peekya App Services, Inc.*

13 Dated: August 13, 2021

14 OFFICE OF THE UTAH ATTORNEY  
15 GENERAL  
16 David N. Sonnenreich

17 Respectfully submitted,

18 By: /s/ David N. Sonnenreich  
19 David N. Sonnenreich

20 *Counsel for Utah*

21 Dated: August 13, 2021

22 MORGAN, LEWIS & BOCKIUS LLP  
23 Brian C. Rocca  
24 Sujal J. Shah  
25 Michelle Park Chiu  
26 Minna L. Naranjo  
27 Rishi P. Satia

28 Respectfully submitted,

29 By: /s/ Brian C. Rocca  
30 Brian C. Rocca

31 *Counsel for Defendants Google LLC et al.*

1 Dated: August 13, 2021

2 O'MELVENY & MYERS LLP  
3 Daniel M. Petrocelli  
4 Ian Simmons  
5 Benjamin G. Bradshaw  
6 E. Clay Marquez  
7 Stephen J. McIntyre

8 Respectfully submitted,

9 By: /s/ Daniel M. Petrocelli  
10 Daniel M. Petrocelli

11 *Counsel for Defendants Google LLC et al.*

## **E-FILING ATTESTATION**

I, Brian C. Rocca, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

*/s/ Brian C. Rocca*

Brian C. Rocca